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## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARDS LIFESCIENCES, LLC, et al.,

Plaintiffs,

No. C 03-03817 JSW

v.

COOK INCORPORATED, et al.

Defendants.

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**ORDER TO PLAINTIFFS TO  
SHOW CAUSE WHY EXHIBIT  
SHOULD NOT BE FILED IN THE  
PUBLIC RECORD**

On November 2, 2007, Defendant Cook Incorporated filed a request for a sealing order pursuant to Northern District Civil Local Rule 79-5(d), in which it seeks to file under seal a document designated confidential by Plaintiffs, specifically Exhibit O to the Declaration of Jeff Nichols in Support of Cook's Motion for Summary Judgment.

Pursuant to Rule 79-5(d), when such a request is made, within five (5) days thereafter, "the designating party must file with the Court and serve a declaration establishing that the designated information is sealable." If the designating fails to file such a declaration, "the document or proposed filing will be made part of the public record."

Plaintiffs have not filed a declaration required by Rule 79-5(d). Accordingly, Plaintiffs are HEREBY ORDERED to file a declaration establishing cause for sealing Exhibit O to the Nichols declaration by no later than November 15, 2007. If Plaintiffs fail to comply with this Order, the Court shall deny Cook's motion for a sealing order and shall order Exhibit O to be

1 filed in the public record.

2 **IT IS SO ORDERED.**

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4 Dated: November 13, 2007

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6 JEFFREY S. WHITE  
7 UNITED STATES DISTRICT JUDGE  
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